

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL HUBBARD

v.

MARIOSAM LAMAS, et al.

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CIVIL ACTION NO. 12-6596

ORDER

AND NOW, this 9th day of May 2013, upon careful and independent consideration of the Petition for Writ of *Habeas Corpus* filed pursuant to 28 U.S.C. § 2254, and after careful review of the Report and Recommendation of Magistrate Judge Elizabeth T. Hey, to which no objections have been filed, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**;
2. The Petition is **DISMISSED AS UNTIMELY FILED**;
3. Petitioner's Motion for a Stay and Abeyance [Doc. No. 25] is **DISMISSED AS MOOT**;
4. There is no basis for the issuance of a certificate of appealability; and
5. The Clerk is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFEM, J.